

ARTICLES

OF

May. 24

13

ACCUSATION,

EXHIBITED

By the Commons House of Parlia-
ment now assembled,

AGAINST

St. John Bramston Knight, } *Justices of his Ma-*
St. Robert Berkley Knight, } *jesties Bench.*

St. Francis Crawley Knight, *one of the Justices of*
the Common-pleas.

St. Humphrey Davenport Knight, } *Barons of his*
St. Richard Weston Knight, and } *Majesties Ex-*
St. Thomas Trevor Knight, } *Schequer.*

2 CHRON. 19. 6, 7.

Jehosaphat said to the Judges, Take heed what ye doe: for ye
judge not for man, but for the Lord; wherefore let the feare
of the Lord be upon you; for there is no iniquity with the
Lord our God, nor taking of gifts.

Printed in the yeare, 1641.

ARTICLES
OF
ASSOCIATION

By the common House of Representatives
in the year 1864

10/10/1974

TRINIDAD

2. John Stoughton Knight, Jr.
3. John Stoughton Knight, Jr.

2. Francis Craven, Knight, of the subject of

1890

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2. 4. 1958

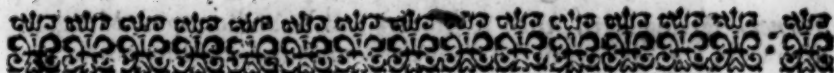
CHRON. 19. 6.

1947

100-443887-100

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

Printed in the United States of America



Articles of the House of Commons in the name of themselves, and all the Commons of England, against Sir Richard Weston Knight, one of the Barons of his Majesties Court of Exchequer, impeaching him as followeth.

1. **T**hat the said Sir Richard Weston about the moneth of November, Anno Domini 1635. then being one of the Barons of his Majesties Court of Exchequer, and having taken an oath for the due Administration of Justice to his Majesties liege people, according to the Lawes and Statutes of this Realme, subscribed his name to an opinion in *hec verba*: I am of opinion, &c. *ut supra* in Sir Robert Berkley's Charge.

2. That in or about the moneth of February, Anno Domini 1636. the said Sir Richard Weston (being then one of the Barons of the said Court of Exchequer) subscribed an extrajudiciall opinion in answer to questions in a Letter from his Maiefty in *hec verba*:

Charles R. When the good and safety of the Kingdome in generall is concerned, &c. *ut supra*.

3. That the said Sir Richard Weston (being then one of the Barons of his Majesties Court of Exchequer) did deliver his opinion and iudgement in the Exchequer chamber against Iohn Hampden Esquire in the Case of shipmoney, That he the said Iohn Hampden, &c. as in Judge Crawley's Charge.

4. That whereas in the moneth of April 16. *Caroli*, the Officers of the Custome-house having seised a ship of one Samuel Warner, laden with Tabacco, being the goods of the said Warner, the bulke of the said ship nor being broken, and no information exhibited for the King, according to the course of the Exchequer for any duty, the Barons were moved, that the said ship might be restored to the Proprietors, giving security to pay such duties as did belong to the King: But, upon the allegation of the Kings Attorney, that there needed no information, because there was no penalty, the said Sir Richard Weston (being then one of the Barons of his Majesties Court of Exchequer, together with the rest of the then Barons of the said Court) did (contrary to his oath, and contrary to the Lawes of this Realme) deny the restitution of the said ship, unlesse all the duties demanded by the Farmers of the Custome-house were first paid. Hereupon the said Warner brought an action of Trover upon the case in the Office of Pleas in the Exchequer against the said Officers that seised his ship and goods: Whereupon the Kings Attorney Generall exhibited an Information by English Bill in the Exchequer-chamber against the said

(d)

Warner,

Warner, setting forth, that Customs and Subsidies upon Merchandize were a great part of the Kings revenue, and payable to him, and that the said ship was seised for non-payment of the aforesaid duties: Notwithstanding the said *Warner* the proprietor prosecuted the Officers upon a Suit at Law, and prays that he may answer the said Information before any further proceedings be had at Law. Thereupon the said Sir *Richard Weston*, together with the rest of the then Barons of the said Court of Exchequer, ordered that the proprietor moving for delivery of his said goods, should first answer to the Information, after which the said *Warner* demurred to the said Information, in regard no title for any certaine duty was set forth by the Information: Which demurrer yet remains not over-ruled, but the said Sir *Richard Weston* (with the said other Barons) without overruling the demurrer, ordered (because *Warner* had put in a demurrer, and not answered to the said Information) that he should not proceed upon the action of Trover. The proprietor being thus prevented of his remedy by action at Law, sued forth a Replevin, and (upon pretence of viewing the said goods) caused them to be brought forth of a Cellar, hired by a Deputy to the Farmers to that use, and being brought forth, they were taken by the Sheriffs of London, by vertue of the said Replevin; and upon oath made of the manner of the taking, as aforesaid, before the Barons, and upon view of the president, inrolls his case; the said Sir *Richard Weston*, with the said other Barons, adjudged that the said goods were not repleviable, and granted an Injunction to maintaine the possession of them, as they were before.

And the said house of Commons by Protestation, saving to themselves onely the liberties of exhibiting at any time hereafter any other accusation or impeachment against the said Sir *Richard Weston*, and also of replying to the answer that he, the said Sir *Richard Weston* shall make unto the said Articles, or any of them, or of offering proöve of the premises, or any of their impeachments or accusations that shall be exhibited by them, as the case shall (according to the course of Parliaments) require, doe pray, that the said Sir *Richard Weston*, one of the Barons of his Majesties Court of Exchequer, may be pue to answer, &c.

Articles



The Articles of impeachment of Sir Robert Berkley Knight, one of the Iustices of the Court of the Kings Bench; by the Commons in this present Parliament assembled, in their own name, and in the name of all the Commons of England, in maintenance of their accusation, whereby he standeth charged with high treason and other great misdemeanors.

IN *primis*, that the said Sir Robert Berkley, then being one of the Iustices of the said Court of Kings Bench, hath traiterously, and wickedly endeavoured to subvert the fundamentall Lawes, and established government of the Realme of England; and in stead thereof, to introduce an Arbitrary and Tyrannicall government against Law, which he hath declared by traiterous and wicked words, opinions, judgements, practices, and actions appearing in the severall Articles ensuing.

2. Whereas by the Statute made in the five and twentieth yeare of the reigne of the late King *Henry* the eighth, prices of victualls are appointed to be rated in such manner, as in the said Statute is declared: But it is manifest by the said Statute, Corne is none of the victualls thereby intended. Neverthelesse some ill affected persons endeavouring to bring a charge upon the subjects contrary to Law, did forme that the prices of Corn might be rated, and set according to the direction of that Statute, and thereupon great gaine might be raised to his Majesty, by licenses and dispensations, for selling Corne at other prices: And a command from his Majesty being procured to the Judges, and sent to them by *William Roy* Esquire, his Majesties then Attorney generall, to deliver their opinions touching the question, whether Corne was such victualls as was intended to have the price rated within the said Statute: In answer to which demand, the said Sir *Robert Berkley* then being one of his Majesties Justices of the Court of Kings Bench, in furtherance of the said unlawfull charge, endeavoured to be imposed, as aforesaid, he thirtieth day of Novem in the eighth yeare of his now Majesties Reigne, did deliver his opinion, that Corne was such victuall as was intended to have the price rated within the said Statute, which said opinion was contrary to Law, and to the plaine sence and meaning

of the said Statute; and contrary to his owne knowledge, and was given and delivered by him, with a purpose and intention, that the said unlawfull charge might be imposed upon the Subject.

3. That an information being preferred in the Court of Star-Chamber by the said *William Roy*, his Majesties then Attorney generall, against *John Overman* and fifteene other Soape-makers Defendants, charging them with severall pretended offences, contrary to divers Letters Patents, and Proclamations, touching the making and uttering Soape, and using the trade of Soape-makers, and other offences in the said Information mentioned, whereunto the Defendants did plead, and demur as to part, and answer to other part of the said Information: And the said Plea and demur being overruled, for that the particulars therein insisted upon, would appeare more fully after answer and prooffe; therefore the Defendants were ordered to answer without prejudice, and were to be admitted to such exceptions to the said Information, and advantages of the matter of the Plea and demur upon the hearing as shall be materiall; and accordingly the Defendants did put in their answers, and set forth severall Acts of Parliament, Letters Patents, Charters, Customes, and Act of Common Councell of the City of London, and other matters materiall conducing to their defence; and in conclusion pleaded not guilty. The said *Sir Robert Berkley* then being one of the Justices of the Court of Kings Bench, upon the 30. day of March, in the eighth yeare of his Majesties now Reigne, upon an Order of Reference to him and others by the said Court of Star-Chamber, to consider of the impertinency of the said answers, did certifie the said Court of Star-chamber, that the whole answers, excepting the foure words, and ten last lines, should be expunged, leaving thereby no more substance of the said answers, then the Plea of not guilty. And after upon a Reference to him and others, by order of the said Court, of the impertinency of the Interrogatories and depositions of witnesses taken on the Defendants part; in the same case the said *Sir Robert Berkley*, upon the second day of May, in the eighth yeare of his now Majesties Reigne, certified that nine and thirty of the said Interrogatories, and the depositions upon them taken, should bee suppressed with answers (except as aforesaid) and depositions, although the same did containe the said Defendants most materiall defence. Yet were expunged and suppressed according to the said certificates; both which said certificates were contrary to Law and Justice, and contrary to his the said *Sir Robert Berkley's* owne knowledge, and contrary to the said former order, whereby the advantages were saved to the Defendants, as aforesaid: And by reason thereof, the said *John Overman*, and the said other fifteene Defendants, were sentenced in the said Court of Star-chamber, to be committed prisoners to the Fleet, and disabled from using their trade of Soap-makers: And one of them fined in a thousand five hundred pounds; two of them

Judge Berkley's Charge.

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them in a thousand pound a peece ; foure of them in a thousand Marke a peece ; which fines were estreated into the Exchequer without any mitigation : And the said Defendants according to the said sentence were imprisoned, and deprived of their trade and livelihood, tending to the utter ruine of the said Defendants, and to the overthrow of free trade, and contrary to the liberty of Subjects.

4. That he the said Sir Robert Berkley then being one of the Justices of the Kings Bench, and having taken an oath for the due administration of Justice, according to the Lawes and Statutes of this Realme, to his Majesties Liege people ; on or about the last of December subscribed an opinion in *hac verba* ; [I am of opinion, that as where the benefit doth more particularly redound to the good of the Ports or Maritime parts, (as in case of Pyracy or Depredations upon the Seas) there the charge hath beene, and may be lawfully imposed upon them, according to presidents of former times ; so where the good and safety of the Kingdome in generall is concerned, and the whole Kingdome in danger (of which his Majesty is the onely Judge) there the charge of the defence ought to be borne by all the Realme in generall ; this I hold agreeable both to Law and reason.]

5. That he the said Sir Robert Berkley, then being one of the Justices of the Court of Kings Bench, and duely sworn as aforesaid ; In Febr. 1636. subscribed an extrajudiciall opinion, in answer to questions in a letter from his Majesty, in *hac verba* ;

Charles R. 'When the good and safety of the Kingdome in generall is concerned, and the whole Kingdome in danger ; Whether may not the King by writ under the great Seale of England, command all the Subjects of this Kingdome, at their charge to provide and furnish such number of Ships, with Men, Victualls, and Munition ; and for such time as he shall thinke fit, for the defence and safeguard of the Kingdome, from such danger and perill ? And by Law compell the doing thereof in case of refusal, or refractorinesse ? and whether in such case is not the King the sole Judge, both of the danger, and when and how the same is to be prevented and avoyded ? C. R.

'May it please your most excellent Majesty, We have according to your Majesties command, severally every man by himselfe, and all of us together, taken into serious consideration the Case and Question signed by your Majesty, and inclosed in your Royall Letter : And we are of opinion, that when the good and safety of the Kingdome in generall is concerned, and the whole Kingdome in danger, your Majesty may by writ under the great Seale of England, command all your subjects of this your Kingdome, at their charge to provide and furnish such number of Ships, with Men, Victuall, and Munition ; and for such time as your Majesty shall thinke fit, for the defence and safeguard of the Kingdome from such danger and perill ; And that by

Law your Majesty may compell the doing thereof in case of refusal, or refractorinesse: And we are also of opinion that in such case, your Majesty is the sole Judge both of the danger, and when and how the same is to be prevented and avoyded. *Iohn Bramston, Iohn Finch, Humphrey Davenport, Iohn Denham, Richard Hutton, William Jones, George Crooke, Thomas Trevor, George Vernon, Robert Berkley, Francis Crawley, Richard W. Stone.*

6. That he the said Sir *Robert Berkley*, then being one of the Justices of the Court of Kings Bench, and duly sworne as aforesaid, did on the deliver his opinion in the Exchequer Chamber against *Iohn Hampden* Esquire, in the Case of Ship-mony, that hee the said *Iohn Hampden* upon the matter and substance of the Case, was chargeable with the money then in question: A coppie of which proceeding and judgement, the Commons of this present Parliament have delivered to your Lordships.

7. That he the said Sir *Robert Berkley*, then being one of the Justices of the Court of Kings Bench, and one of the Justices of Assize for the County of Yorke; did at the Assizes held at Yorke in Lent, 1636, deliver in his charge to the grand Iurie, that it was a lawfull and inseparable flower of the Crowne, for the King to command not onely the Maritime Counties, but also those that were In-land to finde ships for the defence of the Kingdome. And then likewise falsely, and maliciously affirmed, that it was not his single judgement, but the judgement of all his brethren, witnessed by their subscriptions: And then also sayd, that there was a rumour that some of his Brethren that had subscribed, were of a contrary judgement; but it was a base and unworthy thing, for any to give his hand contrary to his heart; and then wished for his owne part that his hand might rot from his arme, that was guiltie of any such crime, when as he knew that Mr. Justice *Hutton* and Mr. Justice *Crooke*, who had subscribed, were of a contrary opinion, and was present when they were perswaded to subscribe; and did subscribe for conformitie, onely because the major number of the Judges had subscribed. And he the sayd Sir *Robert Berkley* then also said, that in some Cases the Judges were above an Act of Parliament; which said, false malicious words were uttered, as aforesaid, with intent and purpose to countenance and maintaine the said unjust opinions, and to terrifie his Majesties Subjects that should refuse to pay Ship-mony, or seek any remedie by Law against the said unjust and illegall taxation.

8. That whereas *Richard Chambers* Merchant, having commenced a suit for trespassse and false imprisonment against Sir *Edward Bromfield* Knight, for imprisoning him the said *Chambers* for refusing to pay Ship-mony, in the time that the said Sir *Edward Bromfield* was Lord Maior of the Citie of London, in which sute the said Sir *Edward Bromfield* did make a speciall justification: The said Sir *Robert Berkley* then being
one

one of the Justices of the Court of Kings Bench, in Trinity Term last, then sitting on the Bench in the said Court, upon debate of the said case, between the said *Chambers* and Sir *Edward Bromfield*, said openly in the Court, that there was a rule of Law, and a rule of government: And that many things which might not be done by the rule of Law, might be done by the rule of government: and would not suffer the point of legalitie of Ship-money to be argued by the said *Chambers* his Councell; all which opinions, declarations, words and speeches, contained in the third, fourth, fifth, sixth, seventh, and eighth Articles, are destructive to the fundamentall Laws of this Realme, the Subjects right of propriety, and contray to former resolutions in Parliament, & to the petition of right: which resolution in Parliament, and petition of right were well known to him, and resolved, and enacted, when hee was the Kings Sergeant at law, and attendant in the Lords house of Parliament.

9. That he the said Sir *Robert Barkley*, then being one of the Judges of the Court of Kings Bench, and being in commission of the Peace, and duly sworn to execute the office of a Justice of Peace in the Countie of *Hertford*, on or about the seventh of January, 1638. at which time the generall Sessions of the Peace for the said Countie were there holden: The said Sir *Robert Barkley*, then and there sitting on the Bench, did revile and threaten the grand Jurie returned to serye at the said Sessions, for presenting the removall of the communion Table in All Saints Church in *Hertford* aforesaid out of the place where it anciently and usually stood, and setting it Altar-waies, against the Lawes of this Realme, in that Case made and provided, as an innovation in matters concerning the Church; the said grand Jurie having delivered to them in charge at the said Sessions, by Master Sergeant *Arkins* a Justice of the Peace of the said Countie of *Hertford*, that by the oath they had taken, they were bound to present all innovations concerning Church matters. And he the said Sir *Robert Barkley* compelled the fore-man of the Jurie, to tell him who gave him any such information, and thereby knowing it to be one *Henry Browne*, one of the said grand Jurie, he asked the said *Browne* how he durst meddle with Church matters; who affirming that in the said charge from Master Sergeant *Arkins*, the said Jurie was charged to doe; he the said Sir *Robert Barkley* told the said *Browne*, hee should therefore finde suerties for the good behavior: and that he the said Sir *Robert Barkley* would set a great fine on his head, to make him an example to others; and thereupon the said *Browne* offered sufficient baile, but he the said Sir *Robert Barkley*, being incensed against him refused the said baile, and committed the said *Browne* to prison, where he lay in Irons till the next morning, and used to the said *Browne* and the rest of the Jurors many other reviling and terrifying speeches; And said he knew no Law for the said presentment, and told the said *Browne* that hee had sinned in the said presentment:

And he compelled the said grand Jurors to say they were sorry for what they had done in that presentment; and did bid them to trample the said presentment under their feet, and caused *Browne* to tear the said presentment in his sight. And he the said Sir *Robert Berkley*; when as *John Howland*, and *Ralph Pemberton*, late Major of Saint Albons, came to desire his opinion on severall Indictments against *John Browne* Parson of Saint Albons, and *Anthony Smith* Vicar of Saint Peters in Saint Albons, at the quarter Sessions held at the said towne of Saint Albons, on the foure and twentieth of June, 1639. for the removall of the Communion Table out of the usuall place, and not administering the Sacrament according to Law in that Case provided: He the said Sir *Robert Berkley* then told them that such an Indictment was before him at Hertford, and that he quashed the same, and imprisoned the Promoters; by which threatening and reviling speeches, unjust actions and declarations, he so terrified the Jurors in those parts, that they durst not present any Innovations in the Church matters, to their great grieve and trouble of their consciences.

And whereas severall Indictments, were preferred against *John Brooke* Parson of Yarmouth, by *John Ingham* and *John Carter*, for refusing severall times to administer the Sacrament of the Lords Supper to them without any lawfull cause, at the Assizes held at Norwich in 1633. Hee the said Sir *Robert Berkley* then being one of the Judges of the Assize, proceeded then to the tryall on the said Indictments; where the matter in issue being, that the said *Brooke* refused to administer the said Sacrament, because the said *Ingham* and *Carter* would not receive tickets with their Sir-names before their Christen-names, which was a course never used amongst them but by the said *Brooke*. He the said Sir *Robert Berkley*, did then much discourage the said *Inghams* Counsell, and over rule the cause for matter of Law, so as the Jury never went from the Bar, but there found for the said *Brooke*. And the said Sir *Robert Berkley* bound the said *Ingham* to the good behaviour for the prosecuting the said Indictments, and ordered him to pay costs to the said *Brooke* for wrongfully inditing him. And whereas the said *Carter*, not expecting the triall at the same Assizes he preferred his Indictment, was then absent, whereupon the said Sir *Robert Berkley* did cause to be entred upon the said Indictment, a *vacat quia non sufficiens in lege*, and ordered an Attachment against the said *Carter*, which said proceedings against the said *Ingham* and *Carter*, by the said Sir *Robert Berkley*, were contrary to Law and Justice, and to his owne knowledge.

10. That the said Sir *Robert Berkley*, being one of the Justices of the Court of Kings Bench, and duly sworne as aforesaid, in Trinity terme 1637. deferred to discharge or baile *Alexander Jarrings* prisoner in the Fleet, brought by *Habeas Corpus* to the Bar of the said Court, the

returne

returne of his Commitment being that he was committed by two severall warrants from the Lords of the Councell, dated the fifth of November, 1636. the first being only read in Court expressing no cause, the other for not paying Messengers fees; and untill he should bring a certificate that hee had paid his Assessment for Ship money in the County of Bucks, but remitted him: And in Michaelmas Terme after, the said *Jenings* being brought by another *Habeas Corpus* before him as aforesaid, and the same returned; yet he the said Sir Robert Berkley, refused to discharge or baile him, but remitted him. And in Easter Terme, after severall rules were given for his Majesties Councell to shew cause why the said *Jenings* should not be bailed, a fourth rule was made for the said *Jenings*, to let his Majesties Attorney generall have notice thereof, and notice was given accordingly; and the said *Jenings* by another *Habeas Corpus*, brought to the Bar in Trinity Terme after, and the same returne with this addition of a new Commitment of the fourth of May, suggesting hee the said *Jenings* had used divers scandalous words in derogation and disparagement of his Majesties government: He the said *Jenings* after severall rules in the end of the said Trinity Terme, was againe remitted to prison. And he the said Sir Robert Berkley did on the fifth of June last, deferre to grant his Majesties writs of *Habeas Corpus* for *William Pargiter* and *Samuel Danvers*, Esquires, Prisoners in the Gate house, and in the Fleet: And afterwards having granted the said writ of *Habeas Corpus*, the said *Pargiter* and *Danvers* were on the eight of June last brought to the Bar of the said Court, where the returnes of their Commitments were severall warrants from the Lords of the Councell, not expressing any cause; yet he the said Sir Robert Berkley, then sitting in the said Court, deferred to baile the said *Pargiter* and *Danvers*, and the eighteenth of June last, made a rule for a new returne to be received, which were returned the 25. of June last, in *hac verba*:

‘Whereas his Majesty finding that his Subjects of Scotland, have in rebellious and hostile manner assembled themselves together, and intend not only to shew off their obedience unto his Majesty, but also as enemies to invade and infest this his Kingdome of England to the danger of his Royall Person; &c.

For prevention whereof, his Majesty hath by the advice of his Councell-board, given speciall commandement to all the Lord Lieutenants of all the Counties of this Realme, appointed for their Rendezvous, in their severall and respective Counties, there to be conducted and drawne together into a body for this service. And whereas his Majesty, according to the Lawes and Statutes of this Realme, and the ancient customes of his Predecessours, Kings and Queenes of this Realme, hath power for the defence of this kingdome, and resisting the force of the Enemies thereof, to grant forth Commissions under his

his great Seale to such fit persons as hee shall make choice of, to array and arme the Subjects of this kingdome, and to compell those who are of able body, and of able estates, to arme themselves; and such as should not bee able of bodies, but of abilitie in estate, to asseffe them according to their estates, to contribute towards the charge of arraying and arming others being able of body, and not able in estate to arme themselves. And such persons as should be contrariant to commit to prison, there to remaine untill the King should take further order therein.

And whereas the Earle of Exeter, by vertue of his Majesties Commission to him directed, for the arraying and arming of a certaine number of persons in the Countie of Northampton, hath assest *William Pargiter* being a man unfit of body for that service, but being of estate and abilitie fit to contribute amongst others, to pay the sum of five shillings toward the arraying and arming of others of able bodies, and wanting abilitie to array and arme themselves.

And whereas wee have received information from the said Earle, that the said *William Pargiter* hath not only in a wilfull and disobedient manner refused to pay the said money assest upon him towards so important a service, to the disturbance and hinderance of the necessary defence of this kingdome; but also by his ill example hath misled many others, and, as we have just cause to beleve, hath practised to seduce others from that ready obedience which they owe, and would otherwise have yeelded to his Majesties just command, for the publick defence of his person and kingdome; which we purpose with all convenient speed to enquire further of and examine.

These are therefore to will and require you, to take into your custodie the persons of the said *William Pargiter*, and *Samuel Danvers*; and them safely to keepe prisoners till further order from this Board, or untill by due course of Lawe they shall bee delivered: Yet he the said *Sir Robert Barkley*, being desired to baile the said *Pargiter* and *Danvers*, remitted them, where they remained prisoners till the ninth of November last, or thereabouts, although the said *Tenings*, *Pargiter*, and *Danvers*, on all and every the said returnes, were clearly baileable by Law; and the councill of the said *Tenings*, *Pargiter*, and *Danvers* offered in Court very sufficient baile. And he the said *Sir Robert Barkley* being one of the Justices of the Court of the Kings Bench, denyed to grant his Majesties writs of *Habeas Corpus* to very many others his Majesties subjects; and when he had granted the said writs of *Habeas Corpus* to very many others his Majesties subjects, and on the returne no cause appeared, or such onely as was clearly baileable by Law, yet hee remanded them, where they remained prisoners, notwithstanding his said deferring to grant the said writs of *Habeas Corpus*, and refusals, and delayes to discharge prisoners, or suffer them to be bailed, contained in this

this Article, are destructive to the fundamentall Lawes of this Realme, and contrary to former resolutions in Parliament, and to the petition of Right; which said resolutions and petition of Right were well knowne to him the said *Sir Robert Berkley*, and were resolved on and enacted, when he was the Kings Serjeant at Law, and Attendant in the Lords House in Parliament.

11. That whereas there was a cause depending in the Court Christian at Norwich, between *Samuel Booty Clerke*, and *Collard* for two shillings in the pound, for tythes for rents & houses in Norwich, and the said *Collard* moved by his Councell in the Court of Kings Bench for a prohibition to stay proceedings in the Court Christian at Norwich, and delivered into the said Court of Kings Bench his suggestions, that the said cause in the said Court Christian was onely for tythes for rents of houses in Norwich, which was determinable by the Common Law onely: yet he the said *Sir Robert Berkley*, being one of the Justices of the said Court of Kings Bench, and sitting in the said Court, deferring to grant a prohibition to the said Court Christian in the said cause, although the Councel did move in the said Court many severall times, and severall termes for a prohibition: And he the said *Sir Robert Berkley* deferred to grant his Majesties writ of prohibition, to severall other Courts on the motions of divers others of his Majesties subjects, where the same by the Lawes of this Realme ought to have been granted, contrary to the Lawes of this Realme, and his owne knowledge.

All which words, opinions, and actions, were so spoken and done by him the said *Sir Robert Berkley* traiterously and wickedly to alienate the hearts of his Majesties liege people from his Majesty, & to set a division betwixt them, and to subvert the fundamentall Lawes and established government of his Majesties Realme of England: For which they doe impeach him the said *Sir Robert Berkley* one of the Justices of the Court of Kings Bench, of high treason against our Sovereigne Lord the King his Crowne and dignity, and of the misdemeanors above mentioned.

And the said Commons by protestation, saving to themselves onely the liberties of exhibiting at any time hereafter, any other accusation or impeachment against the said *Sir Robert Berkley*, and also of replying to the answer, that he the said *Sir Robert Berkley* shall make to the said Articles, or any of them, or of offering prooffe of the premises, or any other impeachments or accusations that shall be exhibited by them, as the Case shall according to the course of Parliaments require, doe pray that the said *Sir Robert Berkley*, one of the Justices of the Court of Kings Bench may be put to answer to all and every the premises; and that such proceedings, examinations, trialls, judgements, and executions, may be upon every of them had & used, as is agreeable to Law & Justice.

*Articles of the House of Commons in the name of themselves,
and of all the Commons of England, against Sir Iohn
Bramston Knight, Lord chiefe Iustice of the Court of
Kings Bench, impeaching him as followeth.*

1.



H A T the said Sir Iohn Bramston, then being Lord Chiefe Justice of the Court of Kings Bench, and having taken an oath for the due administration of Justice to his Majesties Liege people, according to the Lawes and Statutes of this Realme, did, on or about the last of November, 1635. subscribe his name to an opinion, *in hoc verba* : [I am of opinion, that as where the benefit doth more peculiacly redound to the good of the Ports, or Maritime parts (as in case of Pyracie or Depredations upon the Seas) there the charge hath beene, and may be lawfully imposed upon them, according to presidents of former times; so where the good and safety of the Kingdome in generall is concerned, and the whole Kingdome in danger! (of which his Majesty is the [onely Judge]) there the charge of the defence ought to be borne by all the Realme in generall: this I hold agreeable both to Law and Reason.]

2. That he the said Sir Iohn Bramston, then being Lord chiefe Justice of the Court of Kings Bench, about the Month of February, 1635. did subscribe an extrajudiciall opinion in answer to questions in a letter from his Majesty, which letter, questions and answers follow, *in hoc verba*;

Charles R. When the good and safety of the Kingdome in generall is concerned, and the whole Kingdome in danger, whether may not the King by writ under the great Seale of England, command all the Subjects of this Kingdome, at their charge to provide and furnish such number of Ships with Men, Victuall, and Munition; and for such time as he shall thinke fit, for the defence and safeguard of the Kingdome, from such danger and perill; and by Law compell the doing thereof in case of refusall, or refractorinesse? And whether in such case is not the King the sole Judge, both of the danger, and when and how the same is to be prevented and avoided? C. R.

May

“ May it please your most excellent Majestie, Wee have, according
 “ to your Majesties command, severally every man by himselfe, and
 “ all of us together, taken into serious consideration the Case & Que-
 “ stion assigned by your Majestie, and inclosed in your Royall Let-
 “ ter: And wee are of opinion, that when the good and safety of
 “ the Kingdome in generall is concerned, and the whole King-
 “ dome in danger, your Majesty may by writ under the great Seale
 “ of England, command all the Subjects of this your Kingdome,
 “ at their charge, to provide and furnish such number of Shippes,
 “ with Men, Victuall, and Munition; and for such time as your Ma-
 “ jestie shall thinke fit, for the defence and safeguard of the King-
 “ dome, from such danger and perill: And that by Law your Maje-
 “ sty may compell the doing thereof in case of refusal, or refracto-
 “ rinesse. And wee are also of opinion, that in such case, your Maje-
 “ stie is the sole Judge both of the danger, and when, and how
 “ the same is to be prevented and avoided. *John Brampton, John Finch,*
 “ *Humphrey Davenport, John Denham, Richard Hutton, William Jones,*
 “ *George Crooke, Thomas Trevor, George Vernon, Robert Dingley, Francis*
 “ *Crawley, Richard Wilson.*

Which said opinions contained in the first and second Articles, are
 destructive to the fundamentall Lawes of this Realme, the subjects
 right of property, and contrary to former resolutions in Parliament, and
 to the petition of Right.

3. That he the said Sir *John Brampton*, then Lord chiefe Justice of the
 Court of Kings Bench, about Trinity Tearme, 1637. refused to baile
 or discharge *Alexander Jennings*, prisoner in the Fleet, brought by *habeas*
Corpus to the barre before him, the return of this Commitment being
 two severall warrants from the Lords of the Councell, dated the fifth
 of November 1635. the first expressing no cause, the other for not
 paying Messengers fees; and untill hee should bring certificate that hee
 had paid his Assesment for ship-money in the County of Bucks: And
 the said Sir *John Brampton*, the first warrant being onely read, then said,
 The cause of his Commitment did not appeare; and that it was not
 fit for every Goaler to be made acquainted by the Lords of the Coun-
 cill, why they committed, and therefore remitted him. And in Michael-
 mas Tearme after, the said *Jennings* being brought by another *habeas*
Corpus, as aforesaid, and the same returned, yet hee the said Sir *John*
Brampton, refused to discharge or baile him, but remitted him. And in
 Easter Tearme next, after severall rules for his Majesties Councell to
 shew cause why he the said *Jennings* should not bee bailed, a fourth rule
 was made for the said *Jennings*, to let his Majesties Atturney have no-
 tice, which notice was given accordingly, yet he remitted him. And the
 said *Jennings* by another *habeas Corpus* brought to the Barre, as aforesaid,
 in Trinity Tearme after, and the same returne with the addition of a

new Commitment of the fourth of May, 1638. suggested, that he the said *Jennings* had used divers scandalous words in derogation and disparagement of his Majesties government: After severall rules, in the end of the said Trinity Terme, he againe remitted him to prison. And he the said *Sir John Brampton*, about the 9. of July after, at his chamber in Serjeants Inne, being desired by Master *Mearns* one of the Clerkes of the Councell-boord, to discharge the said *Jennings*, for that he the said *Jennings* had entred into a bond of one thousand pounds, to appeare before the Lords of the Councell the next Michaelmas Terme after, and to attend *de die in diem*; yet the said *Sir John Brampton* refused to discharge the said *Jennings* untill hee entred into Recognizance to appeare the next Terme, and in the meane time to bee of his good behaviour. And the said *Jennings* was continued on his said Recognizance till Easter Terme after. And the said *Sir John Brampton* did on the fifth of June 1640. deferre to grant his Majesties writ of *habeas Corpus* for *Samuel Danvers*, and *William Pargiter* Esquires, prisoners in the Gate house, and in the Fleet; and when hee had granted the said Writ, the said eighth of June after the returne, being the order of the Councell Table, not expressing any cause, he the said *Sir John Brampton* deferred to baile the said *Pargiter*. And the eighteenth of June after, made a rule for a new returne to be received, which was returned the five and twentieth of the said June, *inter verba*:

‘Whereas his Majesty finding that his Subjects of Scotland, have in rebellious and hostile manner assembled themselves together, and intend not only to shake off their obedience unto his Majesty, but also as enemies to invade and infest this his Kingdome of England to the danger of his Royall Person; &c.

For prevention whereof, his Majesty hath by the advice of his Councell-boord, given speciall commandement to all the Lord Lieutenants of all the Counties of his Realm, with expedition to array and arme a certain number of able men in each County, to be prepared ready to be conducted to such places as should be appointed for their Rendezvous, in their severall and respective Counties; there to be conducted and drawne together into a body for this service. And whereas his Majesty, according to the Lawes and Statutes of this realme, and the constant custome of his Predecessours, Kings and Queenes of this Realm, hath power for the defence of this kingdome, and resisting the force of the Enemies thereof, to grant forth Commissions under his great Seale to such fit persons as hee shall make choice of, to array and arme the Subjects of this kingdome, and to compell those who are of able body, and of able estates, to arme themselves; and such as should not bee able of bodies, but of abilitie in estate

estate, to asseſſe them according to their estates; to contribute towards the charge of arraying and arming others being able of body; and not able in estate to arme themselves. And such persons as should be contrariant to commit to prison; thereto remaine untill the King should take further order therein.

And whereas the Earle of Exeter, by vertue of his Majesties Commission to him directed, for the arraying and arming of a certaine number of persons in the Countie of Northampton; hath asseſt *William Pargiter* being a man unfit of body for that service, but being of estate and abilitie fit to contribute amongst others, to pay the sum of five shillings toward the arraying and arming of others of able bodies, and wanting abilitie to array and arme themselves.

And whereas wee have received information from the said Earle, that the said *William Pargiter* hath not only in a wilfull and disobedient manner refused to pay the said money asseſſed upon him towards so important a service, to the disturbance and hinderance of the necessary defence of this kingdome; but also by his ill example hath misled many others, and, as we have just cause to beleevē, hath practised to seduce others from that ready obedience which they owe, and would otherwise have yeelded to his Majesties just command; for the publick defence of his person and kingdome; which we purpose with all convenient speed to enquire further of and examine.

These are therefore to will and require you, to take into your custodie the person of the said *William Pargiter*, and him safely to keepe prisoner till further order from this Board, or untill by due course of Lawe he shall bee delivered: (And the like return was then made in all things, *mutatis mutandis*, concerning the said *Danvers* for not paying a sum of money asseſſed upon him) Yet hee the said *Sir Iohn Bramston* deferred to bail the said *Danvers*, and *Pargiter*, but remitted the said *Danvers* to the Fleet, where hee remained till the 12. of July 1640. and the said *Pargiter* to the Gate-house; where he remained till the ninth of November last, although the said *Ienings*, *Danvers*, and *Pargiter*, upon all and every the said returns, ought to have been discharged or bailed by Law; and the Councell of the said *Ienings*, *Danvers*, and *Pargiter*, offered in Court very sufficient baile.

And he the said *Sir Iohn Brampton* being chiefe Justice of the Court of Kings Bench, denyed to grant his Majesties Writ of *Habeas Corpus* to very many others his Majesties subiects; and when hee had granted the said writs of *Habeas Corpus* to very many others his Majesties subjects, and on the returne no cause appeared, or such cause onely as was clearly baileable by Law; yet hee remanded them, where they remained prisoners very long; which said deferring to grant the said writs of *Habeas Corpus*, and refusals, and delays to discharge prisoners, or suffer them to be bailed, contained in
this

in this Article, are destructive to the fundamentall Lawes of this Realme, and contrary to former resolutions in Parliament, and to the petition of Right; which said resolutions and petition of Right were well knowne to him the said Sir *John Brampton*.

4. That whereas there was a cause depending in the Court Christian at Norwich, between *Samuel Boddy* Clerk, and *Collard* for two shillings in the pound for tythes for rents of houses in Norwich, & the said *Collard* moved by his Councell in the Court of Kings Bench for a prohibition to stay proceedings in the Court Christian at Norwich, and delivered into the said Court of Kings Bench his suggestions, that the said cause in the said Court Christian was for tythes for rents of houses in Norwich, which was determinable by the Common Law only; yet he the said Sir *John Brampton*, being chiefe Justice of the said Court of Kings Bench, and sitting in the said Court, deferred to grant a prohibition to the said Court Christian in the said cause, although the Counsell did move in the said Court severall times, and severall termes for a Prohibition: And he the said Sir *John Brampton* deferred to grant his Majesties writs of prohibition to severall other Courts on the motions of divers others of his Majesties subjects, where the same by Laws of this Realme ought to have been granted, contrary to the Lawes of this Realme, and his owne knowledge.

And the said Commons by protestation, saving to themselves onely the liberties of exhibiting at any time hereafter, any other accusation or impeachment against the said Sir *John Brampton*, and also of replying to the answer that he the said Sir *John Brampton* shall make unto the said Articles, or any of them, or of offering prooffe of the premisses, or any of their impeachments or accusations that shall bee exhibited by them, as the Case shall (according to the course of Parliaments) require, doe pray that the said Sir *John Brampton*, Lord chiefe Justice of the Court of Kings Bench, may bee put to answer to all and every the premisses; and that such proceedings, examinations, trials, and judgments, may be upon every of them had and used, as is agreeable to Law and Justice.



*Articles of the House of Commons in the name of themselves
and of all the Commons of England, against Sir Francis
Crawley Knight, one of the Iustices of his Majesties Court
of Common-pleas, impeaching him as followeth.*

I.



THAT he about the moneth of November, *Anno Dom. 1635.* then being one of the Justices of the Court of Common-pleas, and having taken an oath for the due administration of Justice to his Majesties liege people; according to the Lawes and Statutes of this Realme, subscribed an opinion *in hac verba*: [I am of opinion, that as where the benefit doth more peculiarly redound to the good of the Ports, or Maritime parts, (as in case of Piracie, or Depredations upon the Seas, there the charge hath been, and may bee lawfully imposed upon them, according to presidents of former times; so where the good and safety of the Kingdome in generall is concerned, and the whole Kingdome in danger, (of which his Majesty is the onely Judge) there the charge of the defence ought to bee borne by all the Realme in generall: This I hold agreeable both to Law and Reason.]

2. That he in or about the Month of February, *Anno Dom. 1636.* then being one of the Justices of the said Court of Common-pleas, subscribed an extrajudiciall opinion, in answer to questions in a letter from his Majesty, *in hac verba*:

‘Charles R. When the good and safety of the Kingdome in generall
‘is concerned, and the whole Kingdome in danger, whether may
‘not the King by writ under the great Seale of England, command all
‘the Subjects of this Kingdome, at their charge, to provide and fur-
‘nish such number of Ships with Men, Victuall, and Munition; and for
‘such time as he shall thinke fit, for the defence and safeguard of the
‘Kingdome, from such danger and perill? And by Law compell the
‘doing thereof in case of refusall, or refractorinesse? and whether in
‘such case is not the King the sole Judge, both of the danger, and
‘when

when and how the same is to be prevented and avoyded? *C. R.*

‘ May it please your most excellent Majesty, We have according to
 ‘ your Majesties command, severally every man by himselfe, and all of
 ‘ us together, taken into serious consideration the Case and Question
 ‘ signed by your Majesty, and inclosed in your Royall Letter: And we
 ‘ are of opinion, that when the good and safety of the Kingdome in
 ‘ generall is concerned, and the whole Kingdome in danger, your Ma-
 ‘ jesty may by writ under the great Seale of England, command all
 ‘ the subjects of this your Kingdome, at their charge to provide and
 ‘ furnish such number of Ships, with Men, Victuall, and Munition;
 ‘ and for such time as your Majesty shall thinke fit, for the defence and
 ‘ safeguard of the Kingdome from such danger and perill; And that by
 ‘ Law your Majesty may compell the doing thereof in case of refusall,
 ‘ or refractorinesse: And we are also of opinion that in such case,
 ‘ your Majesty is the sole Judge both of the danger, and when and how
 ‘ the same is to be prevented and avoyded. *John Bramston, John Finch,*
 ‘ *Humphrey Davenport, John Denham, Richard Hutton, William Jones,*
 ‘ *George Crooke, Thomas Tyevor, George Vernon, Robert Barkley, Francis*
 ‘ *Crawley, Richard Wifstone.*

3. That hee then being one of the Justices of the said Court of
 Common pleas, delivered an opinion in the Exchequer Chamber a-
 gainst *John Hampden* Esquire, in case of Ship-money; that he the said
John Hampden upon the matter & substance of the case, was chargeable
 with the money then in question (a copy of which proceedings and
 judgement, the Commons of this present Parliament have already de-
 livered to your Lordships.)

4. That he then being one of the Justices of the said Court of Com-
 mon-pleas, declared and published in the Exchequer Chamber, and
 Westminster Circuit, where he went Judge, That the Kings Right to
 Ship-money was so inherent a Right in the Crown, as an Act of Parlia-
 ment could not take it away And with divers malicious speeches en-
 veighed against, threatened and discountenanced such as refused to pay
 Ship money. All which opinions and judgements contained in the
 first, second, and third Articles are destructive to the fundamentall
 Lawes of this Realme, the Subjects right of property, and contrary to
 former resolutions in Parliament, and to the petition of Right, which
 said resolutions and petitions of Right were well knowne to him.

And the said Commons by protestation, saving to themselves onely
 the Liberties of exhibiting at any time hereafter any other accusation
 or impeachment against the said Sir *Francis Crawley*, & also of replying
 to the answer that he the said Sir *Francis Crawley* shall make unto the
 said Articles, or any of them, or of offering proofe of the premisses,
 or of any of their impeachments or accusations that shall be exhibited
 by them, as the Case shall according to the course of Parliaments
 require

require, Doe pray that the said Sir Francis Crawley, one of the Justices of the said Court of Common-pleas, may bee put to answer to all and every the premisses; and that such proceedings, examinations, trials, and judgements may be upon every one of them had and used, as is agreeable to Law and Justice.



Articles of the House of Commons in the name of themselves, and of all the Commons of England, against Sir Humphrey Davenport Knight, Lord chiefe Baron of his Majesties Court of Exchequer, impeaching him as followeth.



IN T H A T whereas in the moneth of October, in the fourth year of his Majesties reigne, the Farmours and Officers of the Custome-house, having seized great quantities of Currants, being the goods of *Samuel Vassall* Merchant, and having conveyed them into certaine Store houses at the Custome-house, and detained them, because the said *Samuel Vassall* refused to pay an imposition of five shillings six pence upon every hundred weight of the said Currants, pretended to bee due upon, and demanded by the said Farmours & Officers on his Majesties behalfe for the said Currants, whereas no such imposition was due or payable for the same; but the said imposition was and is against the Lawes of this Realme.

And whereas also in Michaelmas Tearme, in the said fourth year of his Majesties reigne, his Majesties then Atturney generall, exhibited an information by English Bill in the Exchequer against the said *Samuel Vassall*, setting forth that King James by his Letters Patents, dated *tertio Novemb.* in the second year of his reigne, did command the said imposition of five shillings six pence upon every hundred weight of Currants should be demanded and received.

C

And

And that his Majesty that now is, by his Letters Patents dated the six and twentieth day of July, in the second yeare of his Reigne, did, by advice of his Privy Councell, declare his will and pleasure to bee, that Subsidies, Customs and Impost should be levied in such manner as they were in the time of King James; and the same, and the Fannes thereof to continue untill it might receive a setting by Parliament, and commanded the levying and receiving the same accordingly; and that the said Sam. Vassall before the said first day of Octob. then last before the said information exhibited, did bring into the port of London in ships foure thousand six hundred thirty eight hundred weight of Currants, Richard Carmarthen Surveyour in the said port of London, the said first day of Octob. demanded of the said Samuel Vassall the said Imposition of five shillings six pence for every hundred weight of the said Currants, and that the said Samuel Vassall refused to pay the said imposition, and unjustly detained it from the King: To which information the said Samuel Vassall appeared, and pleaded the Statute of *Magna Charta*, and the Statute of *De Tallagio non concedendo*, and that hee was a Subject borne under the Kings Allegiance, and a Merchant of London using that trade, and that the said summe of five shillings six pence upon every hundred weight of Currants, was and is *malum talentum*, and not *antiqua seu recta consuetudo*, and that it was imposed without assent of Parliament: to which Plea the said Attorney Generall demurred in Law, and the said Samuel Vassall joyned in demurrer with him; and when the said cause came to be argued, viz. in Trinity Terme, in the sixth yeare of his Majesties Reigne, the said Sir Humphrey Davenport being then Lord chiefe Barron of his Majesties said Court of Exchequer, did contrary to his oath, and contrary to the Lawes of this Realme, and to the great impoverishment of the said Samuel Vassall, publike deny to heare the Counsell of the said Samuel Vassall to argue for him, and said, that the case of the said Samuel Vassall would fall under the same rule with the case of one Bates, and therefore was already judged; and when the Councell of the said Samuel Vassall answering that they had nothing to doe with Bates his Case, but desired to argue for Master Vassall, the said Sir Humphrey Davenport replied, that they knew the opinion of the Court, and should bee heard no further, and said, that the King was in possession, and that they (meaning the said Court of Exchequer) would keepe him in possession: And the said Sir Humphrey Davenport shortly after did (together with the rest of the then Barons of the said Court of Exchequer) imprison the said Samuel Vassall for not paying such summes of mony as were pretended by the said Officers

ers of the Custome-house, to bee due to his Majesty, and did delay the said *Samuel Vassal* from time to time, from having restitution of his said goods, being often in Court moved thereto, with intention to force the said *Samuel Vassal* to pay the said unlawfull imposition, and did also give his opinion and judgement upon the said Information for the King, and against the said *Samuel Vassal*, and by severall orders for that purpose made, did continue the possession of the said goods in the King, and the said *Samuel Vassal* could never obtaine any restitution at all of his said goods; whereas it was commanded to the Sheriffe of the County of Yorke, by Writ under the Scale of his Majesties Court of Exchequer, dated the sixteenth day of May, in the seventh yeare of his Majesties Reigne that now is, That hee should distraine *James Maleverer* Esquire, to appeare before the Barons of his Majesties said Court of Exchequer, in the Octaves of the Holy Trinity then next following, to make fine to the KING for his trespassse and contempt in not comming to the presence of the KING before the one and thirtieth day of January, in the first yeare of his said Majesties Reigne, to take upon him the order of Knighthood, according to the forme of a Proclamation in that behalfe formerly made, at which day of the said Octaves of the Holy Trinity, the said *James Maleverer* did appeare, and pleaded to the said Writs, that although his said Majesty, the said one and thirtieth day of January, and for three dayes next before the said one and thirtieth day of January was resident and remaining at his Palace at White-hall in the County of Middlesex, and that the said *James Maleverer* the said one and thirtieth day of January, and three dayes next before the said one and thirtieth day of January, was resident and remaining at Ancliffe in the said County of Yorke, which is distant from the said Palace of White hall the space of one hundred and fourescore miles; and that the said *James Maleverer* the said one and thirtieth day of January aforesaid, or at any time before, had no lands or rents in his owne hands, or in the hands of Feoffees, to his use, out of the said County of Yorke, and that that part of the said County of Yorke which is neere to the said Palace of White-hall, is distant from the said Palace of White-hall the space of one hundred and thirty miles; and that no Proclamation by vertue of any Writ of Proclamation, for the appearance of any persons whatsoever, to take the said Order of Knighthood, was made in any part of the said County of Yorke before the thirtieth day of January in the said first yeare of his Majesties Reigne, by reason whereof the said *James Maleverer* could not personally come to the presence of his said Majesty to take the said Order of Knighthood before the said one and thirtieth day of January in the said first yeare of his Majesties said Reigne, yet the said *James*

Maleverer for his fine in the premisses did humbly submit himselfe to the said Court, and demanded to be discharged of the said issues returned and imposed upon him by reason of the premisses; yet notwithstanding the said Plea and submission of the said *James Maleverer*, and after the same was made as aforesaid, and entered upon Record in his Majesties said Court of Exchequer, and the said Court moved for stay of the Process, and discharge of the issues, the said Sir *Humphrey Davenport* being then Lord chiefe Baron of the said Court of Exchequer, contrary to his oath, and contrary the Lawes of this Realme, and to the great impoverishing of the said *James Maleverer*, did (together with the rest of the then Barons of the said Court) refuse to impose any fine whatsoever upon the said *James Maleverer*, and told him that the said Court had no power to fine him, and that hee must compound with certaine Commissioners for that purpose appointed. And did farther order and direct severall other writs of *Distingas*, to issue forth of his Majesties said Court of Exchequer, under the Seale of the said Court, directed to the severall High Sheriffes of the said County of Yorke, whereby the said Sheriffes were commanded further to distaine the said *James Maleverer* to appeare as aforesaid; upon which said writs of *Distingas*, severall great and excessive issues were returned upon the lands of the said *James Maleverer*, amounting to the summe of two thousand pounds, or thereabouts; a great part whereof, the said *James Maleverer* was enforced to pay; and in like manner the said Sir *Humphrey Davenport* (together with the rest of the then Barons of the said Court of Exchequer) did order and direct such and the like unjust and undue proceedings, and the said proceedings were had and made accordingly against *Thomas Myser* Esquire, and against severall other persons his Majesties subjects in severall parts of this Realme, to the utter undoing of many of them.

2. That a sentence of Degradation being given by the high Commissioners of the Province of Yorke, against *Peter Smart*, Clerke, one of the Prebends of the Church of Durham, for a Sermon by him formerly preached against some Innovations in the Church of Durham, a triall was afterwards had, viz. in August in the seventh yeare of his said Majesties Reigne, before the said Sir *Humphrey Davenport*, Knight, then one of the Judges of Assizes and *Justitiam* for the County Palatine of Durham, concerning the Corps of the Prebend of the said *Mr. Smart*, which was then pretended to be void by the said sentence of Degradation, the said Sir *Humphrey Davenport* contrary to his oath, and contrary to the Lawes of this Realme, and to the destruction of the said *Master Smart*, upon

upon reading the writ *de heretico comburendo*, did publickly on the Bench, in the presence of divers his Majesties subjects then attending, declare his opinion to bee that the said Prebends place was void, and gave directions to the Jury then at Barre to finde accordingly: and being then informed that although the said Master *Smart* had beene dead or deprived, yet the profits of his Prebend had beene due to his Executors till the Michaelmas following, the said Sir *Humphrey Davenport* then answered, that though the said Master *Smart* was not dead, yet if he had had his desert, he had beene dead long agoe, for hee deserved to have beene hanged for the said Sermon, and that he was as wicked a man as any lived in the world; call him no more Master *Smart*, but plain *Smart*. And when the said Jury had found against the said Mr *Smart*, the said Sir *H. Davenport*, in scandall of his Majesties Government and Justice, and of the proceedings of his Majesties Judges, did publickly as aforesaid speak words to this effect; that the said Jury had well done, and that the said *Smart* had no remedy save by appeale to the King; and there he should finde but cold comfort, for the King would not goe against his owne Prerogative, upon which the Judges and high Commissioners did depend, and therefore would not contradict one anothers Acts.

That the said Sir *Humphrey Davenport* about the Month of November, *Anno Dom.* 1635. then being Lord chiefe Baron of his Majesties Court of Exchequer, and having taken an oath for the due administration of Justice to his Majesties Liege people, according to the Lawes and Statutes of this Realme, subscribed his name to an opinion, *in hac verba*: [I am of opinion, that as where the benefit doth more particularly redound to the good of the Ports, or Maritime parts (as in case of Pyracy or Depredations upon the Seas) there the charge hath beene, and may bee lawfully imposed upon them, according to presidents of former times; so where the good and safety of the Kingdome in generall is concerned, and the whole Kingdome in danger (of which his Majesty is the onely Judge) there the charge of the defence ought to be borne by all the Realme in generall: this I hold agreeable both to Law and Reason.]

That in or about the Month of February *Anno Dom.* 1636. the said Sir *Humphrey Davenport*, then being Lord chiefe Baron of the said Court of Exchequer, subscribed an extrajudiciall opinion in answer to questions in a letter from his Majesty, *in hac verba*:

Charles R. When the good and safety of the Kingdome in generall is concerned, and the whole Kingdome in danger, whether may not the King by writ under the great Seale of England, command all the Subjects of this Kingdome, at their charge to provide and furnish such number of Ships with Men, Victuall, and Munition; and for

such time as he shall thinke fit, for the defence and safeguard of the Kingdome, from such danger and perill; and by Law compell the doing thereof in case of refusall, or refractorinesse? And whether in such case is not the King the sole Judge, both of the danger, and when and how the same is to be prevented and avoided? C. R.

May it please your most excellent Majestie, Wee have, according to your Majesties command, severally every man by himselfe, and all of us together, taken into serious consideration the Case & Question assigned by your Majestie, and inclosed in your Royall Letter: And wee are of opinion, that when the good and safety of the Kingdome in generall is concerned, and the whole Kingdome in danger, your Majesty may by writ under the great Seale of England, command all the Subjects of this your Kingdome, at their charge, to provide and furnish such number of Shippes, with Men, Victuall, and Munition; and for such time as your Majesty shall thinke fit, for the defence and safeguard of the Kingdome, from such danger and perill: And that by Law your Majesty may compell the doing thereof in case of refusall, or refractorinesse. And wee are also of opinion, that in such case, your Majesty is the sole Judge both of the danger, and when, and how the same is to be prevented and avoided. *John Brampton, John Finch, Humphrey Davenport, John Denham, Richard Hutton, William Jones, George Crooke, Thomas Trevor, George Vernon, Robert Berkley, Francis Crawley, Richard Weston.*

That whereas an action of Battery was brought by one *Richard Legge* against *Robert Hoblins*, to which the said *Hoblins* pleaded Justification *de son assault de mesme*, and the said cause came to triall at the Assizes holden for the County of Gloucester in Summer, 1636. before the said *Sir Humphrey Davenport*, then one of the Justices of Assize and *Nisi Prius* for that County: At the said triall the said *Robert Hoblins* did begin to make prooffe of his said Justification, and produced one *Robert Tilly* a witness in the cause, who proved upon oath, that the said *Richard Legge* did make the first assault upon the said *Robert Hoblins*, and that the occasion thereof was, that the said *Richard Legge*, and others, came upon the Lands then in possession of the said *Hoblins*, and did take and drive away eighteen Cowes of the said *Hoblins*, pretending they had a warrant from the Sheriffe to distreine the same for fourty shillings assessed upon the said *Hoblins*, for Shipmoney: And when the said *Hoblins* (being present) endeavoured to hinder the said *Legge*, and others, from taking away his said Cattell, the said *Legge* strooke the said *Hoblins* with a staffe, who after defended himselfe: That upon the opening of the matter the said *Sir Humphrey Davenport*, would not suffer the said *Hoblins* to produce any more

more witnesses on his behalfe (though the sayd *Hobbs* desired that other of his witnesses then present, and sworne, might bee heard) nor his Councell to speak for him; but being informed that the said *Hobbs* (when Ship-money was demanded of him) answered, that hee would not pay the same, because it was not granted by Parliament, the said *Sir Humphrey Davenport* did then (openly in the hearing of a great number of his Majesties liege people then assembled, and attending the Court) in great passion reprove the said *Hobbs*, and told him that the King was not to call a Parliament to give him satisfaction; and did then and there also, falsely and of purpose, to prevent his Majesties loving subjects from the due and ordinary course of Law, and contrary to his oath, and the Lawes of the Realme, publish, declare, and affirme, that it was adjudged by all the Judges of England, that Ship-mancy was due to the King; and directed the Jury sworne in that cause, to finde a verdict for the said *Richard Legge*: And the said Jury did accordingly, and gave him twenty pound damages. And the said *Humphrey Davenport* did then also, without any cause, imprison the said *Robert Hobbs*, and bound him to the good behaviour.

That whereas in the month of April, *Decimo sexto Caroli*, the Officers of the Custome-house having seized a Shippe of one *Samuel Warner*, laden with Tobacco, being the goods of the said *Warner*, the Bulk of the said Ship not being broken, and no information exhibited for the King, according to the course of the Exchequer for any duty, the Barons were moved, that the said Ship might bee restored to the Proprietors, giving security to pay such duties as did belong to the King; But upon the allegation of the Kings Atturney, that there needed no information, because there was no penalty, the said *Sir Humphrey Davenport*, being then Lord chiefe Baron of his Majesties Court of Exchequer, together with the rest of the then Barons of the said Court, did (contrary to his Oath, and contrary to the Lawes of this Realme) deny the restitution of the said Shippe, unlesse all the duties demanded by the Farmours of the Custome-house were first paid.

Hereupon the said *Warner* brought an action of *Trover* in the Office of Pleas in the Exchequer, against the said Officers that seized his Shippe and Goods: Whereupon the Kings Atturney generall exhibited an information by English Bill in the Exchequer Chamber against the said *Warner*; setting forth, that Customes and Subsidies upon Merchandize, were a great part of the Kings revenue, and payable to him: And that the said Ship was seized for non-payment of the foresayd duties; notwithstanding the said *Warner*, then Proprietor, prosecuted the Officers upon a suit at Law, and prayes that he may answer the said information before any further proceedings bee had at Law.

There-

Thereupon the said Sir *Humphrey Davenport*, together with the rest of the then Barons of the said Court of Exchequer, ordered that the Proprietor moving for the delivery of the said goods, should first answer to the Information: after which the said *Warner* demurred to the said Information, in regard no title for any certaine duty was set forth by the Information, which demurrer yet remained not over-ruled; but the said Sir *Humphrey Davenport*, with the said other Barons, without over-ruling the demurrer, ordered, because *Warner* had put in a demurrer and not answered to the said Information, that he should not proceede upon the action of *Trover*. The proprietor being thus prevented of his remedy by Action at Law, sued forth a *Replevin*, and upon pretence of viewing the said goods, caused them to bee brought forth of a Cellar, hired by a Deputy to the *Farmours* to that use; and being brought forth, they were taken by the Sheriffs of London, by vertue of the said *Replevin*; and upon oath made of the manner of the taking, as aforesaid, before the Barons, and upon view of the *Presidente*, inrolls the case; the said Sir *Humphrey Davenport*, with the said other Barons, adjudged, that the said goods were not Repleviable, and granted an Injunction to maintaine possession of them as they were before.

And the said house of Commons by protestation, saving to themselves only the liberties of exhibiting at any time hereafter, any other accusation or impeachment against the said Sir *H. Davenport*, & also of replying to the answer that he the said Sir *Humphrey Davenport*, shal make unto the said Articles, or any of them, or of offering prooffe of the premisses, or any of their impeachments or accusations that shall bee exhibited by them, as the Case shall (according to the course of Parliaments) require, doe pray that the said Sir *Humphrey Davenport*, Lord chiefe Baron of his Majesties Court of Exchequer, may bee put to answer to all and every the premisses; and that such proceedings, examinations, trials and judgements, may be upon every of them had and used, as is agreeable to Law and Justice.

Articles

Articles of the House of Commons in the name of themselves, and of all the
 Commons of England; against Sir Thomas Trevor Knight, one of the
 Barons of his Majesties Court of Exchequer, impeaching him as followeth.

THat in or about November, 4. Car. divers goods and merchan-
 dizes (whereof *John Rolles*, *George Moore*, and other Merchants
 of London were Proprietors) being seized and conveyed into
 certaine Store-houses at the Custome-house, by Sir *John Worstenham*,
Abraham Dawes, and others the Farmours and Officers of the Customes,
 and by them there detained, because the said Proprietors refused to pay
 the Subsidie of *Tonnage* and *Poundage*, pretended to be due, and deman-
 ded by the said Farmours and Officers on his Majesties behalfe for the
 said Merchandizes, whereas no such subsidy or duty of *Tonnage* or
Poundage was due or payable for the same, no Subsidy of *Tonnage*, and
Poundage having beene granted by Parliament to his Majesty. The said
John Rolles, and other the Proprietors of the said goods, having by rea-
 son of such unlawfull seizure and detainer, as aforesaid, sued forth one
 or more writ or writs of *Replevin*, directed to the Sheriffes of London
 (being the proper remedy provided by the Law to regaine the pos-
 session of goods taken and with-held from the owners contrary to Law)
 the said Sir *Thomas Trevor* Knight, then, and yet one of the Barons of
 his Majesties said Court of Exchequer, together with the rest of the
 then Barons of the said Court, upon information to them given, that
 the said Proprietors, or some of them, had sued forth, and did prose-
 cure such writ, or writs of *Replevin* for the delivery of the said goods,
 did order an Injunction under Seale of the said Court to issue forth,
 directed to the Sheriffes of London, commanding them thereby not to
 execute the said writ or writs of *Replevin*, or any like writ thereafter to
 be sued forth by any person or persons for the delivery of any goods in
 the like nature detained: And did declare and order publicly in the
 said Court of Exchequer, that the said goods by Law were not Reple-
 visable, alleaging for cause that the said goods were in the Kings owne
 possession, whereas the same did not judicially appeare to them, and
 they did well know, that the said goods were at that time in the posses-
 sion of the Farmours and Lessees of the said Customes, and no lawfull
 cause to them appearing or suggested of the taking and demining of the
 said goods: which Injunction and Declaration so granted and made,
 were and are against the Lawes of the Realme, and in subversion of the
 common right, and remedy of the Subject for regaining the possession of
 his goods, being taken and with-holden from him without lawfull cause.

D.

Thas

That the Sheriffs of London for the time being, served with the said Injunction, did forbear to execute the said writ or writs, of *Replevin*: By means whereof the said goods continued so detained as aforesaid, contrary to Law, from the said moneth of November, untill the moneth of June next following.

That the said *Thomas Trevor*, and other the Barons aforesaid, knowing the said goods to be unlawfully seized and detained for the pretended duties and Subsidie of *Tonnage and Poundage*, whereas no such were payable by Law, did from time to time delay the respective Proprietors from having restitution of their said goods, being often in Court moved therein, with intention thereby to force the said Proprietors (by wanting their goods, and the use thereof) to pay all such summes as the said Officers of the Customes pretended to be due to his Majesty.

That to the end aforesaid the said *Sir Thomas Trevor*, and the said other Barons refused to accept of any security to be given by the said Proprietors, upon restitution had of their goods, for payment of all such duties as should be made appeare to be made payable to his Majesty in such manner as the said Barons should direct. That the said *Sir Thomas Trevor*, and other the Barons aforesaid, knowing that the said summes demanded on his Majesties behalfe, by the said officers of the Customes not to be due by Law, did refuse to order restitution of any part of those goods, (so detained as aforesaid) to the Proprietors thereof, unlesse the said Proprietors would deposite all such summes of money as the said Officers respectively demanded of them for pretended duties to his Majesty; and the said Proprietors refusing to deposite the said summes demanded, the said *Sir Thomas Trevor*, and other the Barons aforesaid, did order the said Officers, to detain double the value of the summes by them demanded for pretended duties to his Majesty, and to restore the residue: The said *Sir Thomas Trevor*, and other the said Barons, then knowing that the pretended summes demanded by the said Officers, were not by Law due or payable to his Majesty.

2. That in or about January 4. *Car.* the said Officers having seized severall Merchandize of the goods of *Richard Chambers* Merchant, upon the pretences aforesaid, did detain the same; and the said *Chambers* prosecuting by plaint to have his said goods replevied, the said *Sir Thomas Trevor*, together with the said other Barons, did in like manner, in the said Court of Exchequer, declare the said *Chambers* his goods not to be repleviable, and enjoined the Sheriffs of London to proceed no further therein, no cause to them appearing of such seizure or detainer. And the said *Sir Thomas Trevor*, and other the Barons of the said Court, refused to order the delivery of the said *Chambers* his goods, upon good security offered by him

to pay all such summes as should be made appeare to be due, and for which the said goods were pretended to be detained, and the said Barrons being often moved in Court; therein, did refuse, in order to restitution of any part of the said *Chambers* goods, untill the 22. of November, 5. *Carol.* and then ordered that the said Officers should detain in their hands double the value of the summes by them demanded, and restitution of the residue to be made to the said *Chambers*, no cause of detaining any part of the said goods to them in any wise appearing.

3. That whereas in the moneth of October, in the fourth yeere of his said Majesties reigne, the Farmers and Officers of the Customehouse having seised great quantities of Currants, being the goods of *Samuel Vassall* merchant, and having conveyed them into certaine store houses at the Customehouse and detained them, because the said *Samuel Vassall* refused to pay an imposition of five shillings six pence upon every hundred weight of the said currants pretended to be due, and demanded by the said Farmours and Officers on his Majesties behalfe for the said currants, whereas no such imposition was due or payable for the same, but the said imposition was and is against the Lawes of this Realme,

And whereas also in Michaelmas Terme, in the said fourth yeere of his Majesties raigne, his Majesties then Attorney Generall exhibited an information by English Bill in the Exchequer-chamber against the said *Samuel Vassall*, setting forth that King *James*, by his Letters Patents dated the 3. of November in the second yeere of his Raigne, did command that the said imposition of 5 s. 6 d. upon every hundred weight of Currants should be demanded and received: And that his Majestie that now is, by his Letters Patents dated the six and twentieth day of July, in the second year of his Raigne, did, by advise of his Privy Councell, declare his will and pleasure to be, that Subsidies, Customes, and imposts should be levied in such manner as they were levied in the time of King *James*; and the same, and the Farmers thereof to continue untill it might receive a settling by Parliament, and commanded the levying and receiving the same accordingly; and that the said *Samuel Vassall* before the first day of October then last past before the said Information exhibited, did bring into the port of London in ships, foure thousand six hundred thirty eight hundred weight of currants, and that *Richard Carmanthen*, Surveyour in the said port of London, the said first day of October, demanded of the said *Samuel Vassall* the said imposition of five shillings six pence for every hundred weight of the said currants, and that the said *Samuel Vassall* refused to pay the said imposition, and unjustly detained it from the King: To which Information the said *Samuel Vassall* appeared, and pleaded the Statute of *Magna Charta*, and the

Statute of *De Tallagio non concedendo*, and that he was a Subject born under the Kings Allegiance. and a Merchant of London using that trade, and that the said summe of five shillings six pence upon every hundred weight of Currants, was and is *malum calnetum*, and not *antiqua seu recta consuetudo*, and that it was imposed without assent of Parliament: to which Plea the said Attorney Generall demurred in Law, and the said *Samuel Vassall* joyned in demurrer with him.

That the said Sir *Thomas Trevor*, being then and yet one of the Barons of his Majesties Court of Exchequer, together with the rest of the then Barons of the said Court, knowing the said Currants to be unlawfully seised and detained for the pretended duty of five shillings six pence imposition upon every hundred weight of the said Currants (whereas no such imposition was payable by Law) did from time to time delay the said *Samuel Vassall* from having restitution of his said goods, being often in Court moved therein, with intention thereby to force the said *Samuel Vassall* (by wanting the said goods, and the use thereof) to pay all such summes as the said Officers of the Customs pretended to be due to his Majestic, and imprisoned the said *Samuel Vassall*, because he refused to pay such summes of money as were demanded of him for the said unlawfull imposition, and that in Trinity Terme in the sixth year of his Majesties raigne, the said case comming to be argued in open Court upon the demurrer, the said Sir *Thomas Trevor*, contrary to his oath, and contrary to the Lawes of this Realme, and to the great impoverishment of the said *Samuel Vassall*, did (together with the rest of the then Barons of the said Court of Exchequer) give his opinion and judgement upon the said information for the King, and against the said *Samuel Vassall*, and by severall Orders for that purpose, did continue the possession of the said goods in the King, and the said *Samuel Vassall* could never obtaine any restitution at all of the said Currants.

4. Whereas it was commanded to the Sheriffe of the Countie of Yorke, by Writ under the Seale of his Majesties Court of Exchequer, dated the sixteenth day of May in the seventh year of his Majesties Raigne that now is, That he should distraine *James Maleverer* Esquire, to appeare before the Barons of his Majesties said Court of Exchequer, in the Octaves of the holy Trinity then next following, to make fine to the King for his trespasse and contempt in not comming to the presence of the King before the 31. day of January in the first year of his said Majesties Reigne, to take upon him the order of Knighthood, according to the forme of a Proclamation in that behalfe formerly made, at which day of the said Octaves of the holy Trinity the said *James Maleverer* did appeare, and pleaded to the said

said writ, that although his said Majesty, the said 31. day of January, and for three dayes next before, the said 31. day of January was resident and remaining at his Palace at White-hall in the County of Middlesex, and that the said *James Maleverer*, the said one and thirtieth day of January, and three dayes next before the said one and thirtieth day of January, was resident and remaining at Anclisse in the said County of Yorke, which is distant from the said Palace of White-hall the space of one hundred and fourescore miles; and that the said *James Maleverer* the said one and thirtieth day of January aforesaid, or at any time before, had no lands or rents in his owne hands, or in the hands of Feoffees to his uses, out of the said County of Yorke, and that that part of the said County of Yorke, which is neereft to the said Palace of White-hall, the space of one hundred and thirty miles, and that no Proclamation by vertue of any writ or Proclamation, for the appearance of any persons whatsoever, to take the said order of Knighthood, was made in any part of the said County of Yorke before the thirtieth day of January in the said first yeare of his Majesties reigne, by reason whereof the said *James Maleverer* could not personally come to the presence of his said Majesty, to take the said order of Knighthood, before the said one and thirtieth day of January in the said first yeare of his said Majesties reigne, yet the said *James Maleverer* for his fine in the premises, did humbly submit himselfe to the said Court, and demanded to be discharged of the said issues, returned and imposed upon him by reason of the premises; yet notwithstanding the said Plea and submission of the said *James Maleverer*, and after the same was made as aforesaid, and entred upon Record in his Majesties said Court of Exchequer, the said *Sir Thomas Trevor* (being then one of the Barons of his Majesties said Court of Exchequer) contrary to his oath, and contrary to the Lawes of th's Realme, and to the great impoverishing of the said *James Maleverer*, did (together with the rest of the then Barons of the said Court) refuse to impose any fine whatsoever upon the said *James Maleverer*, and told him that the said Court had no power to fine him, but that he might compound with certaine Commissioners for that purpose appointed. And did further order and direct severall other writs of *Distingas*, to issue forth of his Majesties said Court of Exchequer, under the Seale of the said Court, directed to the severall high Sheriffes of the said County of Yorke, whereby the said Sheriffes were commanded further to distraine the said *James Maleverer* to appeare, as aforesaid: upon which said writs of *Distingas*, severall great and excessive issues were returned upon the lands of the said *James Maleverer*, amounting to the summe of two thousand pounds or thereabouts, a great part whereof, the said *James Maleverer* was enforced to pay; and in like manner the said *Sir Thomas Trevor* (together with the rest of the then Barons of the

said Court of Exchequer) did order and direct such and the like proceedings, and the said proceedings were had and made accordingly against *Thomas Moser* Esquire, and against severall other persons his Majesties subjects in severall parts of this Kingdome, to the utter undoing of many of them.

5 That he the said *Sir Thomas Trevor*, about the moneth of November, *Anno Domini*, 1635. then being one of the Barons of his Majesties Court of Exchequer, and having taken an oath for the due administration of Justice to his Majesties liege people, according to the Lawes and Statutes of this Realme, subscribed his name to an opinion, *in hec verba*: I am of opinion, &c. *ut supra in Baron Davenport's Charge, pag. 30.*

6 That in or about the moneth of February, *Anno Domini* 1636. (then being one of the Barons of the said Court of Exchequer) he subscribed an extrajudiciall opinion in answer to questions in a letter from his Majesty, *in hec verba*.

Charles R. When the good and safety of the Kingdome in generall is concerned, &c. *ut supra loco citato*, and subscribed *ut prius*.

7 That the said *Sir Thomas Trevor* (being then one of the Barons of his Majesties Court of Exchequer) did deliver his opinion, and judgement in the Exchequer chamber against *John Hampden* Esquire, in the case of Ship money; That he the said *John Hampden* upon the matter and substance of the case, was chargeable with the money then in question: a copie of which proceedings and judgement, the Commons in this present Parliament have already delivered to your Lordships.

8 That whereas in the moneth of April, 1634. the Officers of the Custome-house having seised a ship of one *Samuel Warner's* laden with Tobacco, being the goods of the said *Warner*, the Bulke of the said Ship not being broken, and no information exhibited for the King, according to the course of the Exchequer, for any duty, the Barons were moved that the said Ship might be restored to the Proprietor, giving security to pay such duties as did belong to the King; But upon the allegation of the Kings Atturney that there needed no information, because there was no penalty, the said *Sir Thomas Trevor*, (being then one of the Barons of his Majesties said Court of Exchequer, together with the rest of the then Barons of the said Court) did (contrary to his oath, and contrary to the Lawes of this Realme) deny the restitution of the said Ship, unlesse all the duties demanded by the Farmors of the Custome-house were first paid. Hereupon the said *Warner* brought an action of *Trove* in the office of Pleas in the Exchequer against the said Officers that seised his Ship and goods: whereupon the Kings Atturney generall exhibited an information by English Bill in the Exchequer chamber against the said

WARNER;

Warner ; setting forth, that customes and Subsidies upon Merchandise were a great part of the Kings revenue, and payable to him ; and that the said Ship was seised for non-payment of the aforesaid duties, notwithstanding the said *Warner* then Proprietor, prosecuted the Officers upon a suit at Law, and prayes that he may answer the said Information before any further proceedings be had at Law : Thereupon the said Sir *Thomas Trevor*, (together with the rest of the then Barons of the said Court of Exchequer,) ordered, that the Proprietor moving for delivery of the said goods, should first answer to the said Information ; after which the said *Warner* demurred to the said Information, in regard no title for any certaine duty was set forth by the Information, which demurrer yet remains not over-ruled ; but the said Sir *Thomas Trevor*, with the said other Barons, (without over-ruling the demurrer) ordered, (because *Warner* had put in a demurrer and not answered to the said Information, that he should not proceed upon the action of Trover. The Proprietor being thus prevented of his remedy by action at Law, sued forth a Replevin, and (upon pretence of viewing the said goods) caused them to be brought forth of a Cellar, hired by a deputie of the Farmers to that use ; and being brought forth, they were taken by the Sheriffe of London, by vertue of the said Replevin ; and upon oath made of the manner of the taking, as aforesaid, before the Barons, and upon view of the President, inrolls his case ; the said Sir *Thomas Trevor*, with the said other Barons, adjudged, that the said goods were not Replevifable, and granted an Injunction to maintaine the possession of them as they were before.

And the said house of Commons by protestation, saving to themselves only the liberties of exhibiting at any time hereafter any other accusation or impeachment against the said Sir *Thomas Trevor*, and also of replying to the answer that he the said Sir *Thomas Trevor* shall make unto the said Articles, or any of them, or of offering proof of the premises, or any of their impeachments or accusations that shall be exhibited by them, as the case shall (according to the course of Parliaments) require, doe pray that the said Sir *Thomas Trevor*, one of the Barons of his Maiesties Court of Exchequer, may be put to answer to all and every the premises ; and that such proceedings, examinations, tryals, and judgements may be upon every of them had and used, as is agreeable to Law and Justice.

FINIS.

newer; being forty, that customs and subsidies upon Merchandise were a great part of the King's revenue, and payable to him; and that the said ship was taken for non-payment of the said duties; notwithstanding the said ship was then in possession of the Officers upon a fair Law, and prays that he may answer the said Information before any further proceeding be had at Law: Thereupon the said Sir Thomas Trevor (together with the rest of the then Barons of the said Court of Exchequer) ordered, that the Proprietors moving for delivery of the said goods, should first answer to the said Information; after which the said answer admitted to the said Information, in regard no bill for any certain duty was returned by the Information, which defendant yet remains not over-ruled; but the said Sir Thomas Trevor, with the said other Barons (without ordering the defendant) ordered, (because the law had put in a demand and not answered to the said Information, that he should not proceed upon the return of Trevor, the Proprietors being his power) of his remedy by action at Law, (and fourth a Reply, and (upon process of return the said goods) called them to be brought forth of a Cellar, to which a demand of the Barons to that effect, and being brought forth, they were taken by the Sheriff of London, by virtue of a writ, and upon oath made of the manner of the said goods, and before the Barons, and upon view of the said goods, in all his said the said Sir Thomas Trevor, with the said other Barons, adjudged, that the said goods were not Returnable, and a writ of Habeas Corpus was granted the possession of them as it was before.

And the said House of Commons by Resolution, having to themselves only the liberties of exhibiting any bill, petition, or other accusation or impeachment against the said Sir Thomas Trevor, and also of replying to the answer that he the said Sir Thomas Trevor shall make unto the said Articles of any of them, or of offering proof of the petition, or any of their impeachments or accusations that shall be exhibited by them, as the case shall, according to the course of Parliament) require, do pray that the said Sir Thomas Trevor, one of the Barons of his Majesty's Court of Exchequer, may be permitted to answer to all and every the premises; and that such proceedings examination and trial, and judgments may be upon every of them had and used as is applicable to Law and Justice.